

REMARKS**I. Formal Matters**

Claims 1, 5, 12, and 21 have been amended. Claim 1 has been amended to require that the adhesive comprise at least one homogenous phase, wherein at least one of the phases has a thickness greater than 50 μm . Support for the amendment to Claim 1 is found on page 15, lines 20-23 of the Specification, as originally filed. Claims 5 and 12 were amended to overcome objections to the Claims. Additionally, Claims 1 and 21 were amended to overcome rejections under 35 U.S.C. §112, ¶1 and 35 U.S.C. §112, ¶2. No new matter has been presented in amended Claims 1, 5, 12, and 21. Claims 1-21 remain in this Application and are presented for the Examiner's reconsideration in light of the above Amendments and the following comments.

Attached hereto is a marked-up version of the changes made to the Specification and Claims by the current Amendments. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

II. Interview

Applicants kindly thank the Examiner for the telephonic interview on April 14, 2003. As discussed during the interview, Applicants are submitting amendments to the claims in a form as agreed during the interview to place the instant Application in condition for allowance. Applicants sincerely wish the Examiner well during her tour of duty in the Persian Gulf and certainly wish a speedy return stateside.

III. Claim Objections

The Examiner has objected to Claim 5, because the units of thickness of the adhesive are not given. Applicants have amended Claim 5 accordingly. The Examiner has also objected to Claim 12 as listing monomers within a polymer claim limitation. Applicants have amended Claim 12 accordingly. Applicants thank the Examiner and respectfully request withdrawal of the Examiner's objection to Claims 5 and 12.

IV. 35 U.S.C. §112, ¶1 and ¶2 Rejections

The Examiner has rejected Claims 1 and 21 under 35 U.S.C. §112, ¶1 and 35 U.S.C. §112, ¶2. In short, Applicants have removed the language "about" from the subject matter claimed in Claims 1 and 21. Further, Applicants have amended Claim 21 to remove reference to the term "up to about." Based upon a fair reading of the Specification and Claims, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §112, ¶1 and 35 U.S.C. §112, ¶2 rejections.

V. Specification

The Examiner has also required that the foreign documents to which this Application claims priority to be included in the beginning of the Specification. Applicants have amended the

Specification to include the requested foreign priority claim. Applicants now believe this paragraph to be consistent with the priority claim, as required in M.P.E.P. §201.11(B). Applicants respectfully request withdrawal of the Examiner's objection to Applicants' priority claim.

VI. Obviousness-Type Double Patenting Rejection

Claims 1-9, 12-13, and 19-21 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-14 and 19 of co-pending Application No. 09/917,505. Pursuant to M.P.E.P. §1490, Applicants enclose an appropriate Terminal Disclaimer compliant with 35 U.S.C. §253, C.F.R. §1.321, and 37 C.F.R. §3.73.

VII. Priority Claim

The Examiner has also requested Applicants to submit certified copies of the priority documents. Applicants are submitting a copy of the requested priority document under separate cover.

VIII. 35 U.S.C. §102(b) Rejection

The Examiner has finally rejected Claims 1-11 and 14-15 under 35 U.S.C. §102(b) over Dietz, U.S. Patent No. 5,670,557 (WO 97/05171). Applicants respectfully traverse this rejection. Arguments previously made with respect to the *Dietz* reference will not be repeated for the sake of brevity. Applicants request the Examiner consider the following matters that distinguish Applicants' claimed invention over the *Dietz* reference:

1. Applicants' invention, as now presented in Claim 1 by Amendment, requires that the adhesive comprise at least one homogeneous phase, wherein at least one phase has a thickness greater than 50 μm .

2. Contrary to Applicants' system, *Dietz* utilizes microemulsions that incorporate microscopic phase sizes of less than 10 μm . See Abstract; Col. 1, lines 18-28.

Due to these considerations, *Dietz* fails to teach each and every element of Applicants' claimed invention. Therefore, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) rejection with respect to independent Claim 1.

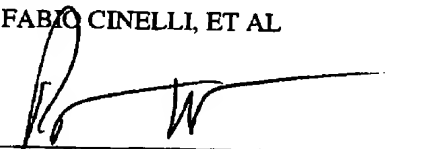
Because dependent Claims 2-21 all depend directly or indirectly from Applicants' independent Claim 1, they contain all of its limitations. For this reason, Applicants submit that the arguments made above concerning allowability of Claim 1 are equally applicable to the rejection of Claims 2-21 under 35 U.S.C. §102(b). Applicants therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §102(b) rejection to Claims 2-21.

IX. Summary

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and therefore Applicants believe no fee is due. However, if any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**The Specification has been amended as follows:****The paragraph beginning on page 1, line 7, has been amended as follows:**

This application is a continuation of PCT Application No. PCT/US00/02706 filed on February 2, 2000 and published in English, which claims priority to EP Application No. 99102048, filed on February 2, 1999.

The Claims have been amended as follows:

1. (Twice Amended) An adhesive for a disposable absorbent article:
 - said disposable absorbent article comprising a wearer facing surface and a garment facing surface opposed thereto;
 - said adhesive covering at least a portion of said wearer facing surface;
 - said adhesive having an initial peel strength (P_i);
 - wherein said adhesive has a final peel strength (P_f) after exposure to water;
 - wherein the ratio of P_i to P_f is in the range of 2:1 to 2:4; [and,]
 - wherein said adhesive comprises at least one homogeneous phase, at least one of said phases having a thickness greater than 50 μm ;
 - wherein said adhesive has a water absorption capacity of at least 3% by weight of said adhesive; and,
 - wherein said adhesive comprises at least [about] 3% water after one hour of equilibration at [about] 50% relative humidity.
5. (Amended) The adhesive of Claim 1, wherein:
 - said adhesive is provided as a layer having a thickness $C[;]$, in millimeters;
 - wherein said adhesive has a viscous modulus at a temperature of 25°C ($G''_{25}(100 \text{ rad/sec})$); and,
 - wherein said viscous modulus ($G''_{25}(100 \text{ rad/sec})$) is defined by the equation:
$$G''_{25} \leq [(7.00 + C) \times 3000] \text{ Pa.}$$
12. (Amended) The adhesive of Claim 1, wherein said adhesive comprises:
 - a polymer selected from the group consisting of [acrylics] polyacrylics, sulphonated polymers, [vinyl] polyvinyl alcohols, [vinyl] polyvinyl pyrrolidine, polyethylene oxide, and mixtures thereof; and,

a plasticizer selected from the group consisting of polyhydric alcohols, polyethylene glycols, sorbitol, water, and mixtures thereof.

21. (Amended) The adhesive of Claim 1, wherein said adhesive is formed by polymerizing a homogeneous aqueous reaction mixture comprising from [about] 5% to [about] 50% by weight of the reaction mixture of a hydrophilic monomer from [about] 10% to [about] 50% by weight of the reaction mixture of a plasticizer, and from [about up] 10% to 50% by weight of the reaction mixture of a non-ionic monomer, and [up to about] from 3% to 40% by weight of the reaction mixture of water. ✓